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EXAMINER

OBEID, MAMON A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HAROLD L. PETERSON
and JAMES B. WILLIAMS

Application No. 09/423,025
Technology Center 3621

Mailed: June 19, 2009

Before DELORES LOWE, *Review Team Paralegal*
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 15, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed December 9, 2008 reveals that claims 12, 26, 27 and 30 in the Claims appendix of the Appeal Brief are not consistent as amended in the last entered amendment filed on July 28, 2008. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

Specifically, claims 12, 26, 27 and 30, as provided in the Brief's Claims Appendix, claim 12 reads: "selection using all said keys required for"; claim 26 reads: "receive all said keys required for . . ."; claim 27 reads: "claim 27, wherein . . ."; and claim 30 reads: "receive all said keys require for . . .".

However, in the last entered Amendment dated July 28, 2008, claim 12, reads: "selection using ~~all said keys~~ said at least one key required for"; claim 26, reads: "receive ~~all said keys~~ said at least one key required for . . .; claims 27, reads "claim ~~27~~ 26, wherein . . ." and claim 30, reads: "receive ~~all said keys~~ said as least one key require for . . ." Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) correction of the Claims Appendix of the Brief filed December 9, 2008; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/DAL/

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